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December 11, 2025

Ms. Nwamaka Anowi, Clerk
U.S. Court of Appeals for the Fourth Circuit
1100 East Main Street, Suite 501
Richmond, VA 23219

Re: John Tenton Pendarvis v. Alan M. Wilson, et al., Case No. 24-6654
       Citation of Supplemental Authorities pursuant to Fed. R. App. P. 28(j)

Dear Madame Clerk,

Pursuant to Fed. R. App. P. 28(j), Appellees submit the following supplemental authorities to assist the Court in the resolution of this matter. In Appellees' brief, Appellees raised various procedural bars and merit-based arguments to Appellant's Third Statement of the Issues on Appeal.

- The Fourth Circuit has held that litigants seeking leave to amend their pleadings must file a motion that complies with Rules 7 and 15 of the Federal Rules of Civil Procedure. *See Employees' Retirement Sys. of the City of Baton Rouge and Parish of East Baton Rouge v. Macrogenics, Inc.*, 61 F.4th 369 (4th Cir. 2023); *U.S. ex rel. Carson v. Manor Care, Inc.* 851 F.3d 293, 305 n.6 (4th Cir. 2017).

- Where a party requests the opportunity to amend but does not file a proper motion for leave to amend, the district court has extremely broad discretion, and the appellate court can look to any support in the record for the decision in reviewing the denial. *See Willner v. Dimon,* 849 F.3d 93 (4th Cir. 2017); *Drager v. PLIVA USA, Inc.*, 741 F.3d 470 (4th Cir. 2014); *Cozzarelli v. Inspire Pharm., Inc.*, 549 F.3d 618 (4th Cir. 2008).

- A district court may deny leave to amend due to repeated failure to cure deficiencies by amendments previously allowed. *Foman v. Davis*, 371 U.S. 178 (1962); *Glaser v. Enzo Biochem, Inc.*, 464 F.3d 474 (4th Cir. 2006).

Very truly yours,

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Daniel C. Plyler